

SENATE PROPOSAL OF AMENDMENT

H. 735

An act relating to Executive Branch and Judiciary fees

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 3, after the words “selling lottery tickets” by inserting the words at the time the person is first granted a license

Second: By striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec 6 to read as follows:

Sec. 6. 22 V.S.A. § 724 is amended to read:

§ 724. HISTORIC PRESERVATION SPECIAL FUNDS

* * *

(b) Archeology ~~operations special fund~~ Operations Special Fund. The ~~archeology operations special fund~~ Archeology Operations Special Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 of chapter 7 of Title 32 to be used by the ~~division for historic preservation~~ Division for Historic Preservation for cost recovery related to activities undertaken by the ~~division~~ Division to carry out the provisions of sections 723, 761, and 762 of this title. Revenues to the ~~fund~~ Fund shall be from the following sources:

* * *

(2) A ~~\$400.00~~ \$500.00 one-time fee for each ~~standard banker box~~ archival box (standard banker box size) of archeological collection for the care and maintenance of such materials ~~for~~ at the Vermont Archeological Heritage Center in perpetuity paid by any person involved in a federally or State funded, licensed, or permitted, or approved project. This fee shall be paid on a pro rata basis for one-half and one-quarter boxes.

* * *

Third: In Sec. 9, in subsection (f), by striking out “\$50.00” and inserting in lieu thereof \$60.00.

Fourth: In Sec. 9, in subsection (g), by striking out “\$10.00” both times it appears and inserting in lieu thereof \$15.00 both times.

Fifth: In Sec. 11, by striking out “\$100.00” and inserting in lieu thereof \$150.00.

Sixth: In Sec. 14, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for license	\$ 70.00
(2) Biennial renewal of license	
(A) Funeral director	\$ 300.00 <u>\$ 350.00</u>
(B) Embalmer	\$ 300.00 <u>\$ 350.00</u>
(C) Funeral establishment	\$ 540.00 <u>\$ 650.00</u>
(D) Crematory establishment	\$ 540.00 <u>\$ 650.00</u>
(E) <u>Crematory personnel</u>	<u>\$ 85.00</u>
(F) <u>Removal personnel</u>	\$ 85.00 <u>\$ 125.00</u>
(G) <u>Limited services establishment license</u>	<u>\$ 540.00</u>

Seventh: In Sec. 18, subdivision (a)(3), after the word “Biennial” by inserting the words brokerage firm or branch office and striking out the words “of corporation or partnership”.

Eighth: By adding a Sec.18a to read:

* * * Psychologists * * *

Sec. 18a. 26 V.S.A. § 3010 is amended to read:

§ 3010. FEES; LICENSES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for license	\$175.00
(2) Biennial renewal of license	\$150.00
(3) Psychological trainee registration	\$ 75.00
(4) Biennial renewal of trainee registration	\$ 90.00

Ninth: By striking out Sec. 20 in its entirety and inserting in lieu thereof the following:

Sec. 20. 20 V.S.A. § 2307 is added to read:

§ 2307. FIREARMS RELINQUISHED PURSUANT TO RELIEF FROM ABUSE ORDER; STORAGE; FEES; RETURN

(a) As used in this section:

(1) “Federally licensed firearms dealer” means a licensed importer, licensed manufacturer, or licensed dealer required to conduct national instant criminal background checks under 18 U.S.C. § 922(t).

(2) “Firearm” shall have the same meaning as in 18 U.S.C. § 921(a)(3).

(3) “Law enforcement agency” means the Vermont State Police, a municipal police department, or a sheriff’s department.

(b)(1) A person who is required to relinquish firearms, ammunition, or other weapons in the person’s possession by a court order issued under 15 V.S.A. chapter 21 (abuse prevention) or any other provision of law consistent with 18 U.S.C. § 922(g)(8) shall, unless the Court orders an alternative relinquishment pursuant to subdivision (2) of this subsection, upon service of the order immediately relinquish the firearms, ammunition, or weapons to a cooperating law enforcement agency or an approved federally licensed firearms dealer. As used in this subdivision, “person” means anyone who meets the definition of “intimate partner” under 18 U.S.C. § 921(a)(32) or who qualifies as a family or household member under 15 V.S.A. § 1101.

(2)(A) The Court may order that the person relinquish the firearms, ammunition, or other weapons to a person other than a cooperating law enforcement agency or an approved federally licensed firearms dealer unless the Court finds that relinquishment to the other person will not adequately protect the safety of the victim.

(B) A person to whom firearms, ammunition, or other weapons are relinquished pursuant to subdivision (2)(A) of this subsection (b) shall execute an affidavit on a form approved by the Court Administrator stating that the person:

(i) acknowledges receipt of the firearms, ammunition, or other weapons;

(ii) assumes responsibility for storage of the firearms, ammunition, or other weapons until further order of the Court;

(iii) is not prohibited from owning or possessing firearms under State or federal law; and

(iv) understands the obligations and requirements of the Court order, including the potential for the person to be subject to civil contempt proceedings pursuant to subdivision (2)(C) of this subsection (b) if the person permits the firearms, ammunition, or other weapons to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so.

(C) A person to whom firearms, ammunition, or other weapons are relinquished pursuant to this subdivision (2)(A) of this subsection (b) shall be subject to civil contempt proceedings under 12 V.S.A. chapter 5 if the person permits the firearms, ammunition, or other weapons to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so.

(c) A law enforcement agency or an approved federally licensed firearms dealer that takes possession of a firearm, ammunition, or other weapon pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and store the item in accordance with standards and guidelines established by the Department of Public Safety pursuant to subdivision (i)(3) of this section. A firearm, ammunition, or other weapon shall not be taken into possession pursuant to this section if it is being or may be used as evidence in a pending criminal matter.

(d) Fees.

(1) A law enforcement agency that stores firearms, ammunition, or weapons pursuant to subdivision (b)(1) of this section may charge the owner a reasonable storage fee, not to exceed:

(A) \$200.00 for the first firearm or weapon, and \$50.00 for each additional firearm or weapon for up to 15 months, prorated on the number of months the items are stored; and

(B) \$50.00 per firearm or weapon per year for each year or part thereof thereafter.

(2) A federally licensed firearms dealer that stores firearms, ammunition, or weapons pursuant to subdivision (b)(1) of this section may charge the owner a storage fee that is reasonably related to the expenses it incurs in the administration of this section. Any federally licensed firearm dealer that certifies compliance under this section shall provide a copy of its fee schedule to the Court.

(3) Fees permitted by this subsection shall not begin to accrue until after the Court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103.

(e) Nothing in this section shall be construed to prohibit the lawful sale of firearms or other items.

(f) A final relief from abuse order issued pursuant to 15 V.S.A. § 1103 requiring a person to relinquish firearms, ammunition, or other weapons shall direct the law enforcement agency, approved federally licensed firearms dealer, or other person in possession of the items under subsection (b) of this section to release them to the owner upon expiration of the order if all applicable fees have been paid.

(g)(1) A law enforcement agency, an approved federally licensed firearms dealer, or any other person that takes possession of firearms, ammunition, or weapons for storage purposes pursuant to this section shall not release the items to the owner without a court order unless the items are to be sold pursuant to subdivision (2)(A) of this subsection. If a court orders the release of firearms, ammunition, or weapons stored under this section, the law enforcement agency or firearms dealer in possession of the items shall make

them available to the owner within three business days of receipt of the order and in a manner consistent with federal law. The Supreme Court may promulgate rules under 12 V.S.A. § 1 for judicial proceedings under this subsection.

(2)(A)(i) If the owner fails to retrieve the firearm, ammunition, or weapon and pay the applicable storage fee within 90 days of the court order releasing the items, the firearm, ammunition, or weapon may be sold for fair market value. Title to the items shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership.

(ii) The law enforcement agency or approved firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no event shall the sale occur until after the Court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103.

(iii) As used in this subdivision (2)(A), “reasonable effort” shall include providing notice to the owner at least 21 days prior to the date of the sale pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(B) Proceeds from the sale of a firearm, ammunition, or weapon pursuant to subdivision (A) of this subdivision (2) shall be apportioned as follows:

(i) unpaid storage fees and associated costs, including the costs of sale and of locating and serving the owner, shall be paid to the law enforcement agency or firearms dealer that incurred the cost; and

(ii) any proceeds remaining after payment is made to the law enforcement agency or firearms dealer pursuant to subdivision (i) of this subdivision (2)(B) shall be paid to the original owner.

(h) A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of firearms, ammunition, or weapons stored or transported pursuant to subsection (c) of this section. This subsection shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

(i) The Department of Public Safety shall be responsible for the implementation and establishment of standards and guidelines to carry out this section. To carry out this responsibility, the Department shall:

(1) Establish minimum standards to be a qualified storage location and maintain a list of qualified storage locations, including:

(A) federally licensed firearms dealers that annually certify compliance with the Department’s standards to receive firearms, ammunition, or other weapons pursuant to subdivision (b)(2) of this section; and

(B) cooperating law enforcement agencies.

(2) Establish a fee schedule consistent with the fees established in this section for the storage of firearms and other weapons by law enforcement agencies pursuant to this section.

(3) Establish standards and guidelines to provide for the storage of firearms, ammunition, and other weapons pursuant to this section by law enforcement agencies. Such guidelines shall provide that:

(A) with the consent of the law enforcement agency taking possession of a firearm, ammunition, or weapon under this section, an owner may provide a storage container for the storage of such relinquished items;

(B) the law enforcement agency that takes possession of the firearm, ammunition, or weapon may provide a storage container for the relinquished item or items at an additional fee; and

(C) the law enforcement agency that takes possession of the firearm, ammunition, or weapon shall present the owner with a receipt at the time of relinquishment which includes the serial number and identifying characteristics of the firearm, ammunition, or weapon and record the receipt of the item or items in a log to be established by the Department.

(4) Report on January 15, 2015 and annually thereafter to the House and Senate Committees on Judiciary on the status of the program.

Tenth: By striking out Sec. 21 in its entirety and inserting in lieu thereof the following:

* * * Dispatch Fees * * *

Sec. 21. UNIFORM DISPATCH FEES

The Commissioner of Public Safety shall propose specific dispatch service fee schedules for use under 20 V.S.A. § 1871(i) and, on or before January 15, 2015, report on the same to the House Committee on Ways and Means and the Senate Committee on Finance. Based on the Commissioner's report, uniform statewide fees for dispatch services provided by or under the direction of the Department of Public Safety shall be set by the General Assembly under the provisions of 32 V.S.A. § 603 on or before July 1, 2016. Fees collected by the Commissioner shall be reported in accordance with 32 V.S.A. § 605, and credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 or to another budgeted fund other than the General Fund, and shall be available to the Department to offset the costs of collecting the amount owed.

Eleventh: In Sec. 23, subdivision (b)(6), by striking out "\$30.00" and inserting in lieu thereof ~~\$30.00~~ \$35.00.

Twelfth: By striking out Secs. 26–29 in their entirety and inserting in lieu thereof seven new sections to be Secs. 26–32 to read as follows:

* * * Vermont Web Portal * * *

Sec. 26. WEB PORTAL FEES; DEPARTMENT OF TAXES AND DEPARTMENT OF MOTOR VEHICLES

In accordance with the provisions of 22 V.S.A. § 953, the General Assembly hereby approves the three percent credit card fees proposed by the Web Portal Board, which were approved by the Governor, and for which legislative action has been requested by a member of the Joint Fiscal Committee, as follows:

(1) Legislative approval is for the Vermont Web Portal to assess to the taxpayer a three percent fee on credit card payment of tax bills to the Vermont Department of Taxes;

(2) Legislative approval is for the Vermont Web Portal Board to assess to the credit card holder a three percent fee on over-the-counter credit card payment of Department of Motor Vehicle fees at Department branch offices.

Sec. 27. REVIEW OF WEB PORTAL FEE; DEPARTMENT OF TAXES

Prior to July 1, 2016, the Web Portal Board shall consider any changes to the three percent fee on credit card payment of tax bills to the Vermont Department of Taxes authorized in Sec. 26 of this act, and, consistent with the provisions of 22 V.S.A. § 953(c), shall recommend any such proposed changes to the Joint Fiscal Committee.

* * * Dispensaries * * *

Sec. 28. 18 V.S.A. § 4474f is amended to read:

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND REGISTRATION

* * *

(g) After a dispensary is approved but before it begins operations, it shall submit the following to the ~~department of public safety~~ Department:

* * *

(4) A registration fee of \$20,000.00 for the first year of operation, and an annual fee of ~~\$30,000.00~~ \$25,000.00 in subsequent years that do not require a biennial audit and \$20,000.00 in subsequent years that require a biennial audit.

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* * * Universal Service Fund; Prepaid Wireless Providers; Provider
Assessment * * *

Sec. 29. 30 V.S.A. § 7521 is amended to read:

§ 7521. CHARGE IMPOSED; WHOLESALE EXEMPTION

(a) A universal service charge is imposed on all retail telecommunications service provided to a Vermont address. Where the location of a service and the location receiving the bill differ, the location of the service shall be used to determine whether the charge applies. The charge is imposed on the person purchasing the service, but shall be collected by the telecommunications provider. Each telecommunications service provider shall include in its tariffs filed at the ~~public service board~~ Public Service Board a description of its billing procedures for the universal service fund charge.

(b) The universal service charge shall not apply to wholesale transactions between telecommunications service providers where the service is a component part of a service provided to an end user. This exemption includes, ~~but is not limited to,~~ network access charges and interconnection charges paid to a local exchange carrier.

(c) In the case of mobile telecommunications service, the universal service charge is imposed when the customer's place of primary use is in Vermont. The terms "customer," "place of primary use," and "mobile telecommunications service" have the meanings given in 4 U.S.C. § 124. All provisions of 32 V.S.A. § 9782 shall apply to the imposition of the universal service charge under this subsection.

(d)(1) Notwithstanding any other provision of law to the contrary, in the case of prepaid wireless telecommunications services, the universal service charge shall be imposed on the provider in the manner determined by the Public Service Board pursuant to subdivision (3) of this subsection.

(2) As used in this subsection, "prepaid wireless telecommunications service" means a telecommunications service as defined in subdivision 203(5) of this title that a consumer pays for in advance and that is sold in predetermined units or dollars that decline with use.

(3) The Public Service Board shall establish a formula to ensure the universal service charge imposed on prepaid wireless telecommunications service providers reflects two percent of retail prepaid wireless telecommunications service in Vermont beginning on September 1, 2014.

Sec. 30. 30 V.S.A. § 7524 is amended to read:

§ 7524. PAYMENT TO FISCAL AGENT

(a) Telecommunications service providers shall pay to the fiscal agent all universal service charge receipts collected from customers. A report in a form

approved by ~~the public service board~~ Public Service Board shall be included with each payment.

(b) Payments shall be made monthly, by the 15th day of the month, and shall be based upon amounts collected in the preceding month. If the amount is small, the ~~board~~ Board may allow payment to be made less frequently, and may permit payment on an accrual basis.

(c) Telecommunications service providers shall maintain records adequate to demonstrate compliance with the requirements of this chapter. The ~~board~~ Board or the fiscal agent may examine those records in a reasonable manner.

(d) When a payment is due under this section by a telecommunications service provider who has provided customer credits under the ~~lifeline~~ Lifeline program, the amount due may be reduced by the amount of credit granted.

(e) The fiscal agent shall examine the records of telecommunications service providers to determine whether their receipts reflect application of the universal service charge on all assessable telecommunications services under this chapter, including the federal subscriber line charge, directory assistance, enhanced services unless they are billed as separate line items, and toll-related services.

* * * Agency of Agriculture, Food and Markets * * *

Sec. 31. 6 V.S.A. § 3022 is amended to read:

§ 3022. ENFORCEMENT; INSPECTION

(a) The ~~secretary~~ Secretary shall enforce the provisions of this chapter. The ~~secretary~~ Secretary may, ~~with the approval of the governor,~~ appoint or contract with one or more inspectors who shall also be authorized to inspect all apiaries and otherwise enforce the provisions of this chapter.

~~(b) The secretary shall pay any such inspectors their salary and necessary expenses incurred in the performance of their duties from the moneys annually available to the agency~~ Any person who is the owner of any bees, apiary, colony, or hive shall pay a \$10.00 annual registration fee for each location of hives. The fee revenue, together with any other funds appropriated to the Agency for this purpose, shall be collected by the Secretary and credited to the Weights and Measures Testing fund to be used to offset the costs of inspection services and to provide educational services and technical assistance to beekeepers in the State.

* * * Effective Dates * * *

Sec. 32. EFFECTIVE DATES

(a) This section and Sec. 28 (dispensaries) shall take effect on passage.

(b) Sec. 31 (apiaries) shall take effect on July 1, 2015.

(c) All remaining sections shall take effect on July 1, 2014.